

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CRITERIUM CAPITAL FUNDS B.V., BBF
TRUST, WALL STREET SECURITIES, S.A.,
BANCA ARNER, S.A., and ALVARO CASTILLO,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

BERNARD L. MADOFF, KINGATE
MANAGEMENT LIMITED, TREMONT
(BERMUDA) LIMITED, FIM ADVISERS LLP,
CITI HEDGE FUND SERVICES LTD., GRAHAM
H. COOK, JOHN E. EPPS, SANDRA MANZKE,
CHARLES SEBAH, KEITH R. BISH,
CHRISTOPHER WETHERHILL, MICHAEL G.
TANNENBAUM, PHILLIP A. EVANS,
MARGARET EVERY, SHAZIEH SALAHUDDIN,
JOHANN WONG and PRESTON M. DAVIS,

Defendants.

Civil Action No. 09 Civ. 5386 (DAB)

**WAIVER OF THE SERVICE OF
SUMMONS AND COMPLAINT**

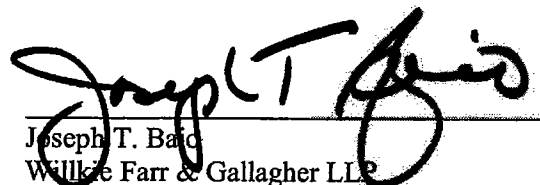
TO: Sashi Bach Boruchow, Esq.

I have received your request to waive service of summons on Kingate Management Limited in the above-styled action along with a copy of the complaint, two copies of this Waiver form, and a prepaid means of returning one signed copy of the form to you.

On behalf of Kingate Management Limited, I am authorized to execute this waiver and I agree to save the expense of serving a summons and complaint in this case.

I understand that Kingate Management Limited will keep all defenses or objections to the lawsuit, the Court's jurisdiction, and the venue of the action, but that Kingate Management Limited waives any objections to the absence of a summons or of service.

Dated: October 13, 2009



Joseph T. Baio
Willkie Farr & Gallagher LLP
787 Seventh Avenue
New York, New York
T 212-728-8203

DUTY TO AVOID UNNECESSARY EXPENSE OF SERVING A SUMMONS

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

“Good cause” does *not* include a belief that the lawsuit is groundless or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant’s property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve and answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.